

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MEE. SANDERS,

Plaintiff,

Case No. 3:05 CV 7056

-vs-

O R D E R

DAIMLERCHRYSLER CORPORATION

Defendant.

KATZ, J.

This matter is before the Court on Mee Sanders' ("Plaintiff") motion to strike Daimler Chrysler Corp.'s ("Defendant") motion for reconsideration (Doc. 109) and Defendant's opposition (Doc. 110).

The Court issued a memorandum opinion (Doc. 101) in the underlying matter on November 9, 2006, granting partial summary judgment. On December 22, 2006, Defendant filed a motion for reconsideration of the Court's opinion (Doc. 108).

Plaintiff argues that Defendant's motion for reconsideration is untimely, because under Fed. R. Civ. P. 59(e) a party must move the court to amend or alter a judgment within 10 days. This Court has treated motions for reconsideration in the past, under the general rubrics of a motion to alter or amend made pursuant to Fed. R. Civ. P. 59(e). However, the 10-day limitation in 59(e) applies only to final judgments. A grant of partial summary judgment is not a final judgment. *See Leelanau Wine Cellars, Ltd. v. Black & Red, Inc.*, 118 Fed. Appx. 942, 946 (6th

Cir. 2004) (because the district court ruled on partial summary judgment, its order was interlocutory in nature, not final, and was not subject to the 10-day limitation of 59(e)).

In the underlying case at bar, the Court's opinion (Doc. 101) only granted summary judgment on one issue on the merits, leaving open for litigation at least two other issues. The opinion was styled as an order granting partial summary judgment. It was thus not a final judgment, but was interlocutory, for purposes of a motion for reconsideration, even pursuant to Fed. R. Civ. P. 59(e).

For these reasons, Plaintiff's motion to strike as untimely Defendant's motion for reconsideration (Doc. 109) is hereby denied. Furthermore, Plaintiff shall have 10 days from the issuance of this order in which to file a memorandum of law in response to Defendant's motion for reconsideration.

IT IS SO ORDERED.

s/ David A. Katz  
DAVID A. KATZ  
U. S. DISTRICT JUDGE